

DRAFT VISION STATEMENT

July 6, 2004

Colorado River Compact

The State of Colorado is signatory to the 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact. The 1922 and 1948 compacts, along with the 1944 International Treaty with Mexico, a number of other federal laws and United States Supreme Court decisions make up what is collectively referred to as the “Law of the River.” The diversion of Colorado River water for consumptive beneficial use within the State of Colorado is subject to, and limited by provisions of the 1922 and 1948 compacts.

A primary purpose of both compacts is to provide legal certainty as to how much water each state can ultimately develop and allow states to develop when the water is needed in the future and not be concerned with the interstate application of the prior appropriation doctrine.

In 1956, the United States Congress passed the Colorado Storage Project Act (CRSPA). CRSPA authorized the construction of five large storage reservoirs: Powell, Flaming Gorge, Navajo, Aspinall and Fontanelle. A primary purpose of these storage reservoirs is to regulate the Colorado

River so the Upper Basin States can fully develop their compact entitlements while meeting downstream compact requirements.

The regional drought which began in 2000 has raised new issues and rekindled old issues that have never been fully resolved by the compact signatories. In the summer of 1999, Lake Powell was essentially full, by March of 2005, Lake Powell is projected to drop to about eight million acre feet in storage, or approximately 32% of capacity. If the dry conditions continue into 2005 and beyond, Lake Powell could, by 2006, drop below minimum power pool (the minimum storage elevation necessary for the operation of the hydroelectric turbines) and approach the dead storage pool (an empty reservoir) by 2008 to 2010.

It is very likely that in the next several decades, Colorado River issues will be much more contentious and difficult than in the previous several decades. It is also possible that systemwide stream flows during the next decade or two will be much less than those seen in the 1980s and 1990s, creating more competition among competing uses. Resolution of the unresolved Colorado River compact issues will be very challenging, time consuming and costly. However, the costs of inaction will be even greater. It is possible that there could be litigation among the entire Basin States, within the Upper Basin States and even within Colorado regarding unresolved Colorado River issues.

As one of several agencies within the State of Colorado charged with safeguarding for Colorado “all waters to which the State of Colorado is equitably entitled under the Colorado River compact” (CRS

37-46-101), (the other two principal agencies are the Colorado Water Conservation Board and the Southwestern Colorado Water Conservation District), the Colorado River Water Conservation District (River District) believes that it is time to refocus our efforts on the future of Colorado's Colorado River compact entitlement.

The River District believes the following measures and activities will be needed:

1. A concerted effort by the CWCB, River District, Southwestern Colorado District and other Colorado River water users to ensure that the amount of water available to Colorado under the 1922 and 1948 compacts is maximized and made as secure as possible.
2. Within Colorado, the State Engineer needs to begin the process of developing rules and regulations for the administration of Colorado River water rights, if ever necessary, to comply with a legal call from downstream states under the Law of the River.
3. The critical compact protection role of the CRSP storage reservoirs is not understood by the public. All Colorado River water users need to do their part to educate the public on the need for the wise use, conservation and storage of Colorado's Colorado River supplies.
4. Colorado needs better technical data on existing Colorado River uses within the state and throughout the Colorado River Basin, to include a common method for the calculation of consumptive uses among the four Upper Basin States. There is a compelling need for better

and more comprehensive science on historical Colorado River flows and droughts, and the potential impact of climate variability on basinwide hydrology.

5. Within western Colorado, the River District, with the cooperation of local districts, needs to inventory and explore the development and use of water supplies not subject to the compacts, fully protect the continued use of all prior perfected (pre-compact) water rights and develop strategies that minimize disruptions to present and future West Slope economies caused by extended droughts and potential compact-related curtailments.